

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TERRY LEE CHILDS,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-12-0322-HE
	)	
GEO CORP., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, a state prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983. He also filed a motion seeking leave to proceed *in forma pauperis* (“*ifp*”). Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Robert Bacharach. The magistrate judge concluded plaintiff has sufficient funds to prepay the \$350.00 filing fee because documents attached to plaintiff’s motion reflect that he has a balance of \$602.45 in his institutional accounts. The magistrate judge recommended that plaintiff’s motion to proceed *ifp* be denied, that he be directed to pay the filing fee within 21 days and that the action be dismissed without prejudice if plaintiff does not pay the fee or show good cause for his failure to do so.


Plaintiff responded to the Report and Recommendation, but attached it to a motion he filed in Childs v. Miller, No. 10-439-HE (W.D. Okla.). In his response, plaintiff states that he cannot complete the paperwork required to authorize the disbursement of the filing fee from his savings account because he is in the prison’s segregation housing unit. He asks for a thirty day extension of the filing fee period and also asks that he be allowed thirty days

within which to file an amended complaint.

The court adopts Magistrate Judge Bacharach's Report and Recommendation and **DENIES** plaintiff's motion to proceed *ifp* [Doc. #2]. Plaintiff is directed to pay the filing fee by **June 11, 2012**, or the action will be dismissed without prejudice. Plaintiff is **GRANTED** until **June 11, 2012**, to file an amended complaint and is directed to file all future pleadings in the correct case. Upon receipt of the filing fee, the matter will be referred again to Magistrate Judge Bacharach for further proceedings. 28 U.S.C. § 636.

**IT IS SO ORDERED.**

Dated this 15th day of May, 2012.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE